

ATTENTION ATTENTION ATTENTION

Method of Refund:

*Done*

☐ ACH/EFT

☐ Credit Card

☒ Deposit Account # 08-2461

☐ Treasury Check

Patent/TM/App/Serial # 09,978,383

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PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	John E. Sherry	Examiner:	Suzette J-J Gherbi
Serial No.:	09/978,383	Group Art Unit:	3738
Confirmation No:	4258	Docket:	760-97 RCE II
Filed:	October 16, 2001	Dated:	August 7, 2006
For:	AORTIC ARTERY ANEURYSM ENDOVASCULAR PROSTHESIS		

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*On: August 7, 2006*

*Signed: Mary Farischon*  
Mary Farischon

**Re: Deposit Account No. 08-2461**

**REQUEST FOR REFUND PURSUANT TO 37 C.F.R. §1.26**

Sir:

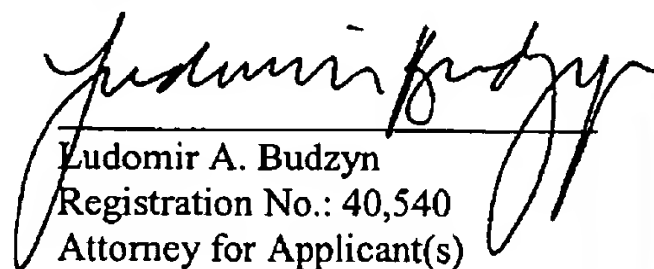
Attached hereto as Exhibit A are pages 1 and 6 taken from the July, 2006 Deposit  
Account Statement for Deposit Account No. 08-2461. As indicated on page 6, a charge of  
\$1,400.00 was made to pay the issue fee for the above-identified application. For the reasons set  
forth below, it is respectfully submitted that this full charge was an error and that a refund of  
\$1,330.00 be applied to Deposit Account No. 08-2461.

Attached hereto as Exhibit B is the executed copy of the issue fee transmittal for the above-identified application. As indicated therein, the owed amount for the issue fee was \$70.00. This issue fee was paid in response to a Notice of Allowance which was issued on May 5, 2006. Previously, the application had been allowed in a Notice of Allowance dated April 15, 2004 (a copy of which is attached as Exhibit C), and the full issue fee of \$1,630.00 was paid on May 18, 2004 (see attached Exhibit D). In a Notice from the PTO dated November 16, 2004 (Exhibit E), the application was withdrawn from issue. As indicated in the Notice, the payment of the fee on May 28, 2004 may be applied to the payment of the present issue fee.

It is respectfully submitted that a total fee of \$70.00 was presently owed representing the difference between the present total of the issue fee and publication fee ( $\$1,400.00 + \$300.00 = \$1,700.00$ ) and the previously paid amount of \$1,630.00. Accordingly, it is further respectfully submitted that only a charge of \$70.00 should have been made on this application. Applicant requests that the difference between the \$1,400.00 that was actually charged and the \$70.00 which is actually owed, namely \$1,330.00, be refunded to Deposit Account No. 08-2461.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, please contact Applicant's attorney at the number listed below.

Respectfully submitted,

  
Ludomir A. Budzyn  
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